

Tanggung jawab pidana dalam Undang-undang Nomor 8 tahun 1999 tentang perlindungan konsumen

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Abstrak

The Act No. 8 Year 1999 regarding Costumer Protection has brought a new perspective in private law, where the relation between costumer and businessmen is generally under the law of contract. The Customer Protection Act as the element of reinforcement has adapted criminalization, which has not common to be applied on such relation. The main objective to impose punishment as a premium sanction is to protect the society as a whole and particularly customer, from the practice of unfair trade and transactions that are made by businessmen.

The practice of unfair trade and transactions are not only inflicting financial lost, but also immaterial lost. Unfortunately, from time to time recovery of financial lost does not compel appropriately. It does not make businessmen cautious. In fact, the same violation occurs repeatedly.

The thesis discussed on how the implementation of criminal sanction in The Customer Protection Act is applied to Bukit Sentul case. In this case customer reported Bukit Sentul based on the presume fraud, whereas the relation between customer and Bukit Sentul was based on agreement. It has become obvious that not all of contractual relations under agreement are free from criminal sanction. The Customer Protection Act proved that breach of contract can also be reported as a criminal case if there is enough evidence to support the offense.